

MATTER OF WELCOME

In Deportation Proceedings

A-17573319

Decided by Board August 6, 1969

- (1) The Board has authority in deportation proceedings to determine the validity of the Department of Labor certification presented by an alien at time of admission.
- (2) An alien issued a visa on the basis of a labor certification for employment as a "sleep-in" maid, who, within a few days after executing her visa application, learned that the job offer in support of the certification had been withdrawn but without advising the visa-issuing officer thereafter proceeded to the United States, is deportable for lack of a valid labor certification under section 212(a) (14), Immigration and Nationality Act, as amended, at time of entry, notwithstanding at all times she may have intended to work as a "sleep-in" domestic and eventually did obtain such employment some 4 to 5 months subsequent to entry. [*Matter of Klein*, 12 I. & N. Dec. 819, distinguished.]

CHARGE:

Order: Act of 1952—Section 241(a) (1) [8 U.S.C. 1251]—Excludable by law existing at time of entry (section 212(a) (14); 8 U.S.C. 1182)—coming to perform skilled or unskilled labor—no valid labor certification.

ON BEHALF OF RESPONDENT: David Braun, Esquire
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This case is before us on appeal from a special inquiry officer's order of August 20, 1968, granting the respondent the privilege of voluntary departure, but providing for her deportation from the United States to Honduras, on the charge contained in the order to show cause, in the event of her failure to so depart. The special inquiry officer's decision will be affirmed and the appeal dismissed.

The record relates to a female alien, approximately 27 years of age, a native and citizen of Honduras, who was divorced in 1967 and whose five children are being cared for by her mother in